

HOUSE BILL 2509

By Mumpower

AN ACT to amend Tennessee Code Annotated, Title 54,
Chapter 14, Part 1, relative to way of ingress and
egress to landlocked property.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 54-14-101(a)(1), is amended by deleting the language “shall have power to grant” and by substituting instead the language “shall, in accordance with the provisions of this part, grant”.

SECTION 2. Tennessee Code Annotated, Section 54-14-103(a)(1), is amended by adding the following language at the end of the subdivision:

provided that, if one of the parcels surrounding the land is owned by the federal government, the petitioner is not required to make the federal government, or any agency or instrumentality thereof, a party defendant thereto when the portion of land or property desired for the easement or right-of-way filed by the petitioner is over lands or property not owned by the federal government, or any agency or instrumentality thereof;

SECTION 3. Tennessee Code Annotated, Section 54-14-112(a), is amended by adding the following language at the end of the subsection:

Provided, that if an objection is filed by the owner or owners of the land selected by the jury of view, such objection must set apart by metes and bounds a substitute sufficient quantity of land or property for the purposes intended which are no less favorable to the petitioner than the quantity of land identified by the jury of view. If the petitioner objects to such substitute filing, the only remedy available to the petitioner or the defendants named in the original petition is to demand a trial by a jury pursuant to § 54-14-114, which shall be the exclusive remedy for relief.

SECTION 4. Tennessee Code Annotated, Section 54-14-114, is amended by designating the existing language as subsection (a) and adding the following language to be designated as subsection (b):

(b) The demand for a trial by a jury in accordance with subsection (a) shall be the exclusive remedy for relief from the finding of a jury of view and no other appeal from such finding shall lie. Such jury must either affirm the finding of the jury of view or set apart a different quantity of land or property for ingress or egress to the land of the petitioner but in no event shall the party petitioning for a right of way pursuant to this part be left without a sufficient outlet of ingress and egress.

SECTION 5. This act shall take effect upon becoming a law, the public welfare requiring it.